



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

13

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,588	07/02/2003	Pierre Mansur	GLM-1054	6176
44338	7590	02/03/2006	EXAMINER	
FELDMANGALE, P.A.			MANOHARAN, VIRGINIA	
MIAMI CENTER, 19TH FLOOR				
201 SOUTH BISCAYNE BOULEVARD			ART UNIT	PAPER NUMBER
MIAMI, FL 33131			1764	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,588	MANSUR, PIERRE	
Examiner	Art Unit		
Virginia Manoharan	1764		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 November 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) 19-30 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Applicant's election of Group I, claims 1-18 in the reply filed on November 23, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a).The term "pure", numerously recited in the claims, is a relative term which renders the claim indefinite. The term "pure" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

b).Claim 1 is incomplete for omitting essential element, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is e.g., a heater or a heating element that causes evaporation. The claimed "distillation

“chamber”, by definition, includes both evaporator and condenser, and could not serve as a heater.

- c). The claimed “said post -filter capturing impurities from the condensed vapors” in claim 1 lacks antecedent support when the distillation chamber is selected from the recitation of “at least one of said distillation chamber and said condenser”
- d). It is unclear what is being filtered, the “condensed vapors” recited in line 11, or the “condensed liquid”, recited in line 13 of claim 1. The terms “condensed vapor” and “condensed liquid” are also ambiguous. The “liquid” in the latter recitation, for example, is the condensate or distillate already condensed from the —vapor—.
- e). The claimed “said flavor agent” in claim 14 lacks antecedent support.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (5,196,093) or Breithaupt et al (5,762,762) in view of Mansur (5,827,3740) or Mansur (6,227,214).

Weber discloses a water distiller comprising: a housing; an input tube (20) connected to said housing, said input tube to be connected to a household tap water supply for receiving tap water; a steam chamber assembly (26), corresponding to the claimed distillation chamber disposed in said housing and

communicating with said input tube for heating the tap water to a boiling temperature and producing vapors therefrom; a condenser (27) disposed in said housing and communicating with said distillation chamber, said condenser condensing the vapors into liquid; a holding tank (30), corresponding to the claimed reservoir, disposed in said housing for holding a predetermined volume of distilled water; a final filter (105) adsorbing any gases that may dissolved in the distilled water as claimed e.g., in claim 1. See Figs. 1-36B. Breithaupt discloses basically similar features of apparatus as above. See the abstract and the claims at cols. 5-6.

The apparatus of Weber or Breithaupt differs from the claimed invention in that claim 1, for example, recites "a cleaning agent chamber containing a cleaning agent, said cleaning agent chamber communicating with said distillation chamber and supplying a given amount of said cleaning agent to said distillation chamber for cleaning said distillation chamber in a cleaning cycle."

However, to provide the apparatus of Weber or Breithaupt with a cleaning chamber communicating with the steam chamber for cleaning the steam chamber would have been obvious to one of ordinary skill in the art as such is conventionally done in the art, interalia, in order to wash remaining contaminants in said steam or distillation chamber. See e.g., col. 7, lines 46-55 and col. 8, lines 29-31 of Mansur '374. See also col. 4, lines 36-41 of Mansur '214.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al or Breithaupt et al as applied to claims 1-11 and 15-18 above, and further in view of Pirone (5,720,856).

It would have been obvious to provide the apparatus of Weber or Breithaupt with a flavor agent chamber containing a flavor agent as taught by Pirone at col. 1, lines 10-20, inasmuch as flavoring the pure distilled water prior dispensing to a user is beneficial or advantageous especially since drinking water normally presents a disagreeable taste.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). Wemhoff discloses installing an adsorption cell after a condenser in a method for pollution control.
- b). Bennett discloses a baffle means between the condenser and interior of the vessel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Calderola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIRGINIA M. MANCUSO
PRIMARY EXAMINER
ART UNIT 1764

2/1/06